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SENATE

{ REPORT
No. 805

SUPPRESSION OF LIQUOR TRAFFIC AMONG INDIANS

DECEMBER 10 (calendar day DECEMBER 13), 1924.—Ordered to be printed

Mr. HARRELD, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany S. 2375.]

The Committee on Indian Affairs, to whom was referred the bill (S. 2375) to facilitate the suppression of the intoxicating liquor traffic among the Indians, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

This legislation is recommended by the Secretary of the Interior as is set forth in letter from him under date of February 6, 1924, which is attached hereto and made a part of this report.

SECRETARY OF THE INTERIOR,
Washington, February 6, 1924.

Hon. J. W. HARRELD,*
*Chairman Committee on Indian Affairs,
United States Senate.*

MY DEAR SENATOR HARRELD: I have the honor to submit herewith a draft of proposed legislation to enable this department more adequately to protect Indians from the traffic in intoxicating liquors.

Indian reservations are set apart especially for Indians, and Congress long ago recognized the great menace resulting from Indians partaking of whisky or other intoxicating beverages. Many treaties and agreements with the Indians contain special provisions promising to keep intoxicants away from Indians and Indian reservations, and under sections 2139 and 2140, United States Revised Statutes, taken in conjunction with other acts of Congress, it is the specific duty of superintendents and others in the Indian Service to prevent the introduction, etc., of such liquors into Indian country, or their sale or gift, etc., to Indians, and if such superintendent or other officer has any reason to suspect or is informed that any white person or Indian is about to introduce or has introduced intoxicating liquors into the Indian country in violation of law, he is directed by law to cause the boats, stores, packages, wagons, sleds, automobiles, and places of deposit of such persons to be searched, and if any such liquor is found therein, the same, together with the conveyances, packages, etc., are to be seized and the liquor destroyed.

In view of the present wording of section 6 of the act of November 23, 1921 (42 Stats. L. 223), it is not practicable for superintendents and other Indian Service employees to comply with the laws which were designed especially to prevent intoxicating liquors from being obtained by Indians.

The conditions relating to the enforcement of the special Indian liquor laws in Indian country are different from conditions in ordinary civilized communities. Many of the reservations are of broad extent and the agency is frequently a very considerable distance from the residence or headquarters of a judicial officer authorized to issue search warrants. When an agent learns of an attempt or actual law violation, either by manufacturing liquor or selling it or giving it to Indians or of Indians or others having possession of same in such Indian country, it would frequently take days to get a search warrant and return to the place of law violation, whereupon, in all probability, the location of the liquor would have been changed or the damage to the Indians which the law seeks to prevent would have been done.

Under the national prohibition law, as amended by the act of November 23, 1921, supra, if an Indian Service superintendent knows an Indian has intoxicants in his possession he can not make a search of the premises and he can not even ask for a search warrant because the Indian may intend to drink the intoxicants himself and the superintendent can not swear that the dwelling is being used for the unlawful sale of intoxicating liquor. This to a large extent prevents the accomplishment of the express purpose of Congress in many years of legislation, as well as prevents the fulfilling of the treaty obligations of the Government to the Indians themselves.

In view of the need of legislation, it is suggested that this draft of a proposed bill receive the early and favorable consideration of your committee and the Congress.

Very truly yours,

HUBERT WORK.

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